

**Election**

Applicants elect, with traverse, the invention identified by the Examiner as Group II, drawn to cell culture carriers, including claims 31-38.

**Traverse**

Applicants respectfully traverse the Restriction Requirement. The Restriction Requirement has characterized the inventions of Groups II (claims 31-38) and I (claims 1-30) as "product and process of use." The Restriction Requirement has stated that, "[t]he inventions can be shown to be distinct if ... the product as claimed can be used in a materially different process of using that product." The Restriction Requirement then states that "the compositions of Group II (i.e. cell culture carriers containing magnetic particles) can be used in materially different process of using that product such as in the process of immobilization, or purification of proteins and other macromolecules, as well as microorganisms such as microbial cells."

The Restriction Requirement has further characterized the inventions of Groups I (claims 1-30) and III (claims 39-47) as "process and apparatus for its practice." The Restriction Requirement has stated that, "[t]he inventions can be shown to be distinct if ... the process as claimed can be practiced by another and materially different apparatus or by hand..." The Restriction Requirement then states that "the process of group I, as claimed can be practiced by other and

materially different apparatus (for example using mechanical shakers and appropriate culture vessels).

Lastly, the Restriction Requirement has further characterized the inventions of Groups II (claims 31-38) and III (claims 39-47) as "subcombinations disclosed as usable together in a single combination." The Restriction Requirement has stated that, "[t]he subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable." The Restriction Requirement then states that "subcombination group II (i.e. cell culture carriers) has separate utility such as in the processes for immobilization and separation of macromolecules and/or living cells."

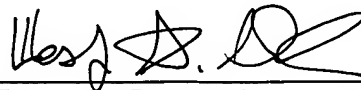
Even if the Examiner's characterization of Groups I, II and III were to be considered proper, Applicants respectfully request that all of the inventions defined in claims 1-47, nevertheless, be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. § 803. That is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a "serious burden" on the Patent and Trademark Office in examining claims directed to the non-elected inventions since the examination would overlap, *i.e.* the method for culturing cells, cell culture carriers, and cell culture apparatus would presumably be found in the same search class (*i.e.*, class 435 as noted in the Restriction Requirement, page 2).

Thus, It would appear that the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. That is, if the Examiner were to perform a search for the invention of Group II, there would not appear to be a serious burden to examine the invention of Groups I or III. For this reason, and consistent with Office policy as set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Requirement for Restriction.

For at least the foregoing reasons, it is submitted that the Requirement for Restriction in this application is improper and it is respectfully requested that it be reconsidered and withdrawn.

Should there be any questions, the Examiner is invited to contact the undersigned at the below listed telephone number.

Respectfully submitted,  
Akira YAMAMOTO et al.



Bruce H. Bernstein  
Reg. No. 29,027

Wesley A. Nicolas  
Reg. No. 56,129

October 27, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

{P24816 00072311.DOC}